At a meeting of the SOCIETY *for* CONSTITUTIONAL INFORMATION, *held at* N° 11, *Tavistock-ſtreet, Covent-Garden, on Friday, January 14th*, 1785,

JOHN REDMAN, Eſq. V. P. IN THE CHAIR;

RESOLVED,

THAT 1000 copies of the following addreſs be immediately printed, and diſtributed at the expence of this ſociety.

DANIEL ADAMS, Sec.

A THIRD ADDRESS

FROM THE

SOCIETY FOR CONSTITUTIONAL INFORMATION

TO THE PEOPLE OF

GREAT BRITAIN AND IRELAND.

AUDIRE EST OPERÆ PRETIUM, PROCEDERE RECTE QUI REM ROMANAM, LATIUMQUE AUGESCERE VULTIS.
ENNIUS.

A PERIOD of five years is now nearly elapſed, ſince this ſociety firſt took upon itſelf the talk of diſtributing conſtitutional information among the people of theſe kingdoms.—It muſt be confeſſed, that the time, when we commenced our labours in the public ſervice, was peculiarly favourable to our undertaking. The nation had then juſt begun to feel the complicated diſgraces and miſeries of a war, waged againſt all the deareſt intereſts of juſtice and humanity. The ſplendid ſucceſſes of our former conteſts with the houſe of

G. Pamph. 2959.

Bourbon, freſh in the memory of the people, ſerved only to embitter the ſeries of inauſpicious events, which attended our war with America. And, though at the commencement of thoſe unfortunate diſputes, the people, dazzled with the luſtre of former victories, intoxicated with proſperity, and impatient of controul, ſcorned the dictates of reaſon or of juſtice, the humiliating circumſtances which had ſince taken place, had not a little contributed to diſpoſe them to liſten ſomewhat more willingly to the voice of admonition. Accumulated taxes, the certain conſequences of a long and expenſive war, had naturally put the nation upon conſidering, whether the war, in which they were then engaged, were juſt and neceſſary, or the reſult of miſguided ambition.

Different, however, as were the opinions on this ſubject, and various as were the arguments by which they were reſpectively defended, yet the honeſt advocates on every ſide of the queſtion, agreed in one point; that is to ſay, in the neceſſity of a ſpeedy and ſubſtantial reform in the expenditure of the public money—wiſely conſidering, that that meaſure was equally neceſſary, either to carry on a burthenſome war with effect, to reſtore our finances already almoſt irremediably diſordered, or to diminiſh the exorbitant influence of the crown.

The oppoſition, which an œconomical reform experienced from a venal miniſtry, even after the people univerſally groaned under the intolerable burthens of the war, and after the influence of the crown had been complained of by parliament itſelf, excited a general ſpirit of diſcontent and enquiry. The moſt probable means of carrying this popular meaſure againſt the united efforts of intereſt and power, and of preſerving the nation from again experiencing ſimilar calamities, were queſtions which engroſſed the attention of the people at large, and increaſed the thirſt for political knowledge. The moſt obvious and moſt radical preſervative, which then preſented itſelf, was a REFORMATION OF PARLIAMENT. This opened a moſt extenſive, though not a new field, as well of ſpeculative as of practical diſcuſſion. In theſe uſeful political ſpeculations, the

the induſtry of many publicſpirited writers was employed with ſo much aſſiduity and ſucceſs, and every ſpecies of conſtitutional information was caught by the public with ſuch eagerneſs and avidity, that perhaps the grounds of juſt government, and the principles of the Engliſh conſtitution are now better underſtood by *the nation*, than at any former period.

The unremitting zeal, manifeſted by this ſocicty on all thoſe important queſtions, cannot be forgotten by the public. It cannot be forgotten, how loudly we lifted up our voice againſt the baneful American war; how earneſtly we urged a reform, as well œconomical as parliamentary. And we rejoice to find that our labours have not been in vain. We pleaſe ourſelves in the reflection, that we have been in ſome degree inſtrumental in kindling that flame, which hath extended its influence to the remoteſt corners of our iſland. The ſacred fire of liberty hath even burſt the barriers of the ocean, and ſpread far and wide over our ſiſter kingdom. Nor ſhall its force abate, until our purified conſtitution ſhall emerge from the flame, with all its ancient vigor and renovated luſtre.

But, while we indulge theſe pleaſing hopes, what is our concern to ſee the proſpect clouded by repeated attacks upon the moſt valuable parts of our conſtitution, THE TRIAL BY JURY, and THE LIBERTY OF THE PRESS! we ſhould be wanting to our fellow citizens, we ſhould be wanting to ourſelves, and to the engagements, which, by aſſociating, we entered into with the public, were we to ſuffer ſuch events to paſs without animadverſion, without expoſing their dangerous tendency, and pointing out their only remedy.

In Ireland we have beheld a daring infringement on both theſe ineſtimable privileges, by an act paſſed in the laſt ſeſſion of the parliament of that kingdom, which has in certain caſes drawn the cognizance of the crime of publiſhing of a libel from the ancient conſtitutional tribunal of a jury, to the ſummary juriſdiction of juſtices appointed by the crown. Let not our brethren in Ireland conſole themſelves with the lenity of the puniſhment inflicted by that ſtatute. Every invaſion of the rights of

mankind hath appeared at firſt in its leaſt odious form, and time only hath diſcovered all its natural deformity. Let them be aſſured, that this apparent lenity is but a lure to reconcile them to the principle of the bill. Let them permit this parliament to chaſtiſe them with whips: future parliaments will chaſtiſe them with ſcorpions. The ſame neceſſity, which is ſaid to call for this dangerous innovation, will be made the pretext in future for arming it with new terrors, for increaſing its penalties, and multiplying its puniſhments. *Obſta principiis*, as hath been well obſerved, is the only ſafe rule of practical policy.

But can we be ſurprized at this attempt in a remoter part of the empire, when, in the very metropolis of this kingdom, in the caſe of the dean of St. Aſaph, the moſt alarming doctrines have been held forth to the public, by the majority of the judges of our court of King's Bench? We are well aware, that in no very modern times, prerogative judges, have maintained that the jury had no right to decide whether the paper in queſtion were or were not a libel. But we are certain that this doctrine is of no high antiquity: and, on the contrary, that the moſt ancient, and moſt authoritative writers on the Engliſh law, have maintained the right of the jury to find a general verdict. We mean not, however, here to enter upon the diſcuſſion of a point of poſitive municipal law; we ſhall only ſay, that, if the law be as the court have in this inſtance declared it, there is an end of trial by jury in matters of libel: there is an end of the liberty of the preſs: the Engliſh conſtitution is no more.

You may, perchance, be told by ſome courtly lawyer, that the preſent judges have ſaid and done no more than their predeceſſors have ſaid and done before them. It is fit, however, that you ſhould be informed, that the doctrine now held forth is infinitely more extenſive, and infinitely more dangerous than all that has been laid down by the moſt arbitrary miniſters of juſtice in former times. Their adjudications extended only to matters of libel. Their deciſions could affect only the property, the liberty, or the reputation of the ſubject. We

are now for the firſt time told, that the crimes of forgery and writing an incendiary letter are exactly in the ſame predicament with that of publiſhing a libel. We now learn, that not only the property, the liberty, and the reputation, but even the life, of the ſubject are at the diſpoſal of fixed magiſtrates appointed by the crown.

But, as if theſe meaſures and theſe doctrines were not ſufficient to awaken the attention of the public, it is ſtill more ſtrongly called upon by ſome recent tranſactions, in which, with complicated miſchief, the trial by jury is aboliſhed, the right of popular aſſemblies is violated, and an inquiſitorial power of extorting evidence from a priſoner againſt himſelf is eſtabliſhed. We mean the late unprecedented proſecutions by attachment in Ireland. That any man ſhould be treated as a criminal for convening the people at their own requeſt, to deliberate on the mode of attaining a redreſs of their grievances, is not a little extraordinary. That this act, if done by a ſheriff, ſhould be deemed a contempt of the court of king's bench, is ſtill more incomprehenſible. But that a perſon ſuſpected of a crime ſhould be compelled by dureſs of impriſonment to become his own accuſer, is indeed a ſubject of the moſt ſerious alarm. If ſuch a mode of proceeding be tolerated in any part of the Britiſh dominions, there is an end of all the boaſted pre-eminence of our ſyſtem of criminal juriſprudence. In France, the preliminary torture no longer exiſts. In Spain and Portugal, we hear no more of the ſeverity of the inquiſition. And in England and Ireland, where it is a ſettled principle of criminal law, that no man is bound to accuſe himſelf, that a confeſſion extorted by threats, or even by promiſes, is of no avail againſt a priſoner, ſhall we ſuffer ourſelves to be compelled to anſwer interrogatories upon oath, framed by an incenſed attorney-general, for the avowed illegal purpoſe of making us criminate ourſelves? In our own hiſtory we read, that the rack was not unfrequently uſed againſt ſtate priſoners, during the tyrannical reigns of the Tudors, and the firſt of the Stewarts. But in vain will all the judges of England have declared their abhorrence of ſo deteſtable a practice, in vain will

will they have exclaimed, that no ſuch puniſhment was known or allowed by our law *, if, by ſubmitting to the proceſs of attachment, we acquieſce in the principle of torture. For where is the mighty difference between extorting a confeſſion by the rack or by impriſonment? Nay, is not the former beſt ſuited to the generous and courageous ſpirit of a Briton? Would he not prefer the ſhort but dreadful trial, where he may ſhew the vigor of his mind unſubdued by all the violence of the rack, rather than languiſh out his days in the gloomy and ſervile horrors of a priſon?

Nor ſuffer yourſelves to be told, that the method of examining the delinquent upon oath in matters of contempt, is of "high antiquity, and by long and immemorial uſage is become the law of the land †." A bad cuſtom ought to be aboliſhed. High antiquity and immemorial uſage can never make it to be the law of the land ‡; but furniſh an unanſwerable argument for its ſpeedy abrogation.

Nor let our countrymen of Great Britain imagine themſelves unintereſted in the concerns of the people of Ireland. The liberties of our ſiſter kingdom, the remaining hope of Britain, united to us by all the ties of long connection, vicinity, ſimilarity of language, of manners, and of laws, can never be to us an object of ſmall importance. Every precedent of law adduced in ſupport of this extraordinary doctrine, may be cited in our own courts with equal propriety and juſtice. Engliſh judges may perhaps be found (perhaps they have already exiſted) to ſupport the ſame doctrines and the ſame practice. Let our countrymen reflect, that in this caſe the ſame law prevails in both kingdoms. Our liberties are inſeparably connected with thoſe of our brethren in Ireland. We muſt ſtand or fall together; or, at leaſt, we ſhall not long ſurvive them.

Such are the facts, which we ſubmit to your conſideration: and ſuch are the motives, which compel us

* Ruſh. Coll. I. 638. † Black. Com. IV. 288.

‡ Judge Yates, in the caſe of general warrants, declared, that "an uſage, even from the foundation of Rome itſelf would not "make them good." 3 Black. Rep. 562.

to declare, that YOUR LIBERTIES ARE IN DANGER: that YOUR CONSTITUTION IS SHAKEN TO THE FOUNDATION: and that, unleſs a ſpeedy and ſubſtantial exertion take place on the part of the people, IT WILL FALL TO RISE NO MORE.

To hope that parliament, as it is now conſtituted, would even offer to remove, one by one, the cauſes of our complaints, would indeed be a vain and viſionary expectation. Parliament itſelf is in too corrupt and miſerable a ſtate to attempt to reform grievances. And, were our legiſlature to undertake, and even to accompliſh, ſo laudable a purpoſe, we are ſorry to ſay, it is by no means certain, that the reſult would be anſwerable to the hopes of the people. New grievances will ſtill ariſe, as wounds will continually break out, where the cure is incomplete.

Let us then intreat you by your property, your liberties, your lives, by all that is dear to you as men and as citizens, for a while to ſuſpend your attention to theſe leſſer, though grievous, wounds to the conſtitution. Let us, for the preſent, direct our united force againſt thoſe intolerable badges of ſlavery, the ſources of all our calamities, the unconſtitutional duration of parliament, and a defective repreſentation of the people—a repreſentation ſo totally mangled and abſurd, as to ſubject us to the pity or the ridicule of all foreign nations. No more let us boaſt of our freedom at home, our glories abroad. Our glories are tarniſhed: our liberties are fled: and, if we loſe the golden moment, will never more return.

In the whole courſe of our endeavours to obtain a reformation of parliament, never did any opportunity preſent itſelf ſo favourable as at preſent. At what former period of our exertions were the people of England ſo ſtrongly ſupported by the voice of their brethren in Scotland and Ireland? When had we a miniſter bound down by ſo many ſolemn engagements to promote a parliamentary reform, and at the ſame time ſo powerfully enabled to enforce it? Who can remember an oppoſition more ſtrongly diſpoſed to ſecond our endeavours? Nothing remains to be wiſhed for, but a vigorous ſupport

of

of our friends in parliament, by numerous applications on the part of the people: and this we truſt will not long be wanting.

When this grand national grievance ſhall be done away, when the people ſhall again have acquired their juſt weight in the ſcale of legiſlation, then, and not till then, ſhall we behold our rights reſtored, our liberties re-eſtabliſhed, and all the detail of leſſer abuſes corrected and removed. Then only will our apprehenſions of danger from the power of the nobles and the prerogative of the crown be wholly diſpelled. Then only ſhall we feel, that the rights and privileges of the commons' houſe of parliament are *in fact* the rights and privileges of the people of Great Britain. And, if our late heavy calamities have deprived us of the hopes of ever repoſſeſſing that dazzling ſplendor (ſeldom, alas! productive of ſubſtantial good), which once encircled the Britiſh name, we may at leaſt inſure DOMESTIC HAPPINESS AND LIBERTY to ourſelves and our poſterity.

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